

E.D.Pa. AO Pro Se 14 (Rev. 04/18) Complaint for Violation of Civil Rights

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

FILED

Case No.

18-cv-3900

OCT - 5 2018

(to be filled in by the Clerk's Office)

Ahmed-F. GAO

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

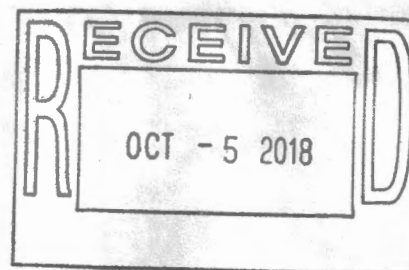
KATE BARKMAN, Clerk
Dep. Clerk

-v-

Herman - Co. Cardoso - Co. G. Iovas
Co. Wene - Co. McNair

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

The Clerk will not file a civil complaint unless the person seeking relief pays the entire filing fee (currently \$350) and an administrative fee (currently \$50) in advance, or the person applies for and is granted in forma pauperis status pursuant to 28 U.S.C. § 1915. A prisoner who seeks to proceed in forma pauperis must submit to the Clerk (1) a completed affidavit of poverty and (2) a copy of the trust fund account statement for the prisoner for the six month period immediately preceding the filing of the complaint, obtained from and certified as correct by the appropriate official of each prison at which the prisoner is or was confined for the preceding six months. See 28 U.S.C. § 1915(a)(2).

If the Judge enters an order granting a prisoner's application to proceed in forma pauperis, then the order will assess the filing fee (currently \$350) against the prisoner and collect the fee by directing the agency having custody of the prisoner to deduct an initial partial filing fee equal to 20% of the greater of the average monthly deposits to the prison account or the average monthly balance in the prison account for the six-month period immediately preceding the filing of the complaint, as well as monthly installment payments equal to 20% of the preceding month's income credited to the account for each month that the balance of the account exceeds \$10.00, until the entire filing fee has been paid. See 28 U.S.C. § 1915(b). A prisoner who is granted leave to proceed in forma pauperis is obligated to pay the entire filing fee regardless of the outcome of the proceeding, and is not entitled to the return of any payments made toward the fee.

E.D.Pa. AO Pro Se 14 (Rev. 04/18) Complaint for Violation of Civil Rights

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Ahmed - F. GAO

All other names by which
you have been known:

ID Number

NH 8117

Current Institution

SEWAY MART

Address

SCF waymart PO BOX 256waymart

City

PA

State

18472-0256

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Mr. Norman. Class a felon and run the JailJob or Title (*if known*)Classification at Northampton county Jail

Shield Number

Employer

Northampton County Jail

Address

666 Walnut streetEaston

City

PA

State

18062

Zip Code

☐

Individual capacity

☒

Official capacity

Defendant No. 2

Name

Mr. WaneJob or Title (*if known*)Corrections Officer at Northampton Jail

Shield Number

Employer

Northampton County Jail

Address

666 Walnut streetEaston

City

PA

State

18062

Zip Code

☐

Individual capacity

☒

Official capacity

Note: Sorry I don't know their last name because
this is the name written on their uniform

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Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

Mr Carlos and Mr Mc hair
correction officers at Northampton Jail

Northampton County Jail

666 Walnut Street

Easton

City

PA

State

18042

Zip Code

☐

Individual capacity

☒

Official capacity

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

Mr Glover
correction officer at Northampton Jail

Northampton County Jail

666 Walnut Street

Easton

City

PA

State

18042

Zip Code

☐

Individual capacity

☒

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

My Human rights - discriminate me - religion rights and
my right even to eat or to go to yard. beating me
torturing me in a cold cell with cold water in the snow time

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

by discriminating me. Calling me names like terrorist. Gays. Came beating me up segregated me in a very cold cell with cold water only in a snow very cold weather preventing me from my rights to eat normal or clean food like all other inmates or commissary or my yard putting papers on my cell calling me gay or faggot. refuse to turn on the light for days can't know if its night or day time

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

☒ Other (explain) appealing case because of ineffective lawyer

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

The answer is in The Back of This Page

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

it is in Northampton County Jail

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

in Northampton County Jail from October 2017 to April 2018 but I been arrested there since June 16/2017

Mr Harman Segregated me for No reason or any disciplinars act I did discriminated me coming to E Block to make fun of me. used his position for his Penifits like The Guy I was locked up with his name is Kolin rice. because his Father is rich and own a company called rice company. his father talk to mr Harman and he moved his son out of segregation in two days. Never talk to me or give me explanation for why I am segregated. love anyone who hate me or curse to me or call me names. neglected me and made fun of me for whole seven month for no reason. Put me in a cell I can't see if it was night or morning time or even a clock No Commensary No yard No TV No news Papers No Magazine Just Between 4 walls 24 hours. No hot water in the shower time.

Mr weene punched me in my ribs and I went to medical for ex rays and found that I had Broken ribs. never happened to any inmate else. and when I complained all the other Co's got made on me treating me very different than any other inmate. like Co Glover Co Carlos Co McNair. Giving me Bad ~~look~~ looking at me very aggressive.

Co McNair kept me ~~for~~ in a dark room for days because every time I asked him to turn on the light he said the switch is Broken and the switch is from outside the cell. why all the other cells switch is not Broken.

Co Glover open the Door to another inmates to attack me in my cell. and Both Glover and McNair always gave me a missed up tray and Co Glover told the tear witness this is his tray you can put your dick in it. if you look on camera 1/20/2018 at 6:15 approximately you will see Co Glover opening the door to the inmate to get inside our cell for no reason and attack us.

Co Carlos Putting Papers on my cell door calling me name like Foget Gay Carnell making fun of me with the other inmates and Co's. discriminate me from any other inmate or any other human being.

and if you look on camera on Feb 7/2018 between 11 am and 12 PM you will see Co Carlos Putting Papers on my cell door laughing on me with the other inmates and Co's and I already attached all the complains I sent to the jail and the court with the date and time in my first filing. Case No: 18-CV-3900 Thank you and God Bless the Fair Justice

C. What date and approximate time did the events giving rise to your claim(s) occur?

durin My time From october /2017 till april /2018 while I am Segregated without any disciplinary act or any write up and until I left to upstate Prison all My time over there.

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I was Segregated with No reason. beated up by co were. went to medical had a Broken ribs. all the Co's got mad On me because I complained been called nappy by all of the Co's Co Carlos putting papers on my cell door saying I am Gay Co McNeil McNeil keep me in my cell without with the light of for days. and when I asked him to turn the light on he said the switch is Broken. and also miss my trays up. Co Glor let other inmate attack me in my cell miss my trays. tell their inmate to put his dick in my tray and all the inmate saw the and all ready attack inmate signature and dates and times in my first complain

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

yes I went to medical in Northampton County Jail and I met with the Physicologist and I am on a mental health medication also I been found that I had Bruises and Broken ribs because of the beaten up and the doctor said to me she can't do anything all what I can do is to wait until my ribs healed.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I want the court to investigate and compensate me for my suffering mentally and physically and to prevent the discrimination and prevent people to use their position to hurt people or for their profits. So they can protect the other inmates from being like me.

I am not going to be the same person like before because of this claim or suffering. I can't trust nobody I feel everybody hate me for my race scared of everything and anything around me. I am not at all they really do.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Northampton County Jail and Northampton County Jail and I already sent my complaints and its in my file. 18-cv-3900

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

in Northampton County Jail and Northampton County Court

2. What did you claim in your grievance?

everything I mentioned Before about Mr. Harman and Co. Wene and Co. Glover and Co. Carlos and Co. McNair. From being segregated, wakened up no comes no light in my cell letting inmates attack me in my cell calling me names. Putting papers on my cell door called

3. What was the result, if any?

me cry or forget.

Nothing

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I wrote complaining request slips. before also letters to every one in Jail and Court below. The Co's never provide me with grievance forms. I asked for. and nothing happened.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

The Jail never provide me with grievance form. but I did file grievance throw my complaint to everybody in the Jail and the Court and I already sent a copy of it to the district court of the US.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

everybody in the Northampton County Jail Mr. Warden The Warden The Lieutenant and Mr. Norrath (Detective) and in the Court my Judge Judge Roscilli and my P.D.'s Mr. Vigione and Mr. Connell and the district attorney office to Mr. John Merganelli. Nothing happened.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I was treated different totally than any other inmates while I was segregated every body in the Hall or segregation even the disciplinary inmates been charged more than 5 times and I was still there without any disciplinary or any other reason got arrested by everyone even Mr. Harman coming to the Hru to make fun of me. Can't even see it its night or morning been in my cell 24 hours and something a lot of times dark.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☒ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Ahmed GAD

Defendant(s)

Mr. Harman and Northampton County Jail leaders

2. Court (if federal court, name the district; if state court, name the county and State)

Northampton County - Pennsylvania

3. Docket or index number

18-CV-3900

4. Name of Judge assigned to your case

Honorable Judge Gold Berg, J.

5. Approximate date of filing lawsuit

August 1, 2018

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition

Sept 17, 2018

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

No dismissed

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Ahmed Gadh
 Ahmed F. Gadh
 NH8617
 SCI Waymart Po Box 256
 Waymart PA 18478-0256
 City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

FIRST-CLASS MAIL

neopost
1010312018
USIPOSTAGE \$000.89

ZIP 18472



Clark of Corrections
James A. Byrne
Room 269 Street 10106
601 Market St
Philadelphia PA 19106

10/05/18

U.S.M.S.
X-RAY

ADDRESS MUST BE PRINTED BELOW THIS LINE

Alameda
NA 867
717

DEPARTMENT OF CORRECTIONS
MAIL
P.O. Box 952
Waymart, PA 18472-0952



19106\$1732 0019

DO NOT CORRECT OR ADD INFORMATION TO THIS LINE